

REMARKS/ARGUMENTS

In response to the Office Action mailed September 9, 2005, Applicants amend their application and request reconsideration. In this Amendment non-elected claims 17 and 18 are cancelled. In addition, examined claims 5 and 9 are cancelled. Therefore, claims 1-4, 6-8, 10-16, 19, and 20 are now pending. Claims 1-4 are withdrawn from consideration.

Although independent claims 5 and 9 were rejected over prior art, claims 6-8, 10-12, and 13-16 were stated to be allowable if rewritten in independent form. That step has been taken by rewriting claims 6, 10, and 13 in independent form. Claim 14 has been amended as to form, conforming the language of that claim to the language of similar claims. Accordingly, comment on the prior art rejection with regard to claims 5 and 9 is unnecessary and not presented.

Claims 19 and 20 were rejected as obvious over Yamaguchi (Published U.S. Patent Application 2005-0167768) in view of Yamazaki et al. (Published U.S. Patent Application 2005-0110091, hereinafter Yamazaki). This rejection is respectfully traversed for two entirely independent reasons.

First, Yamaguchi is not prior art to the present patent application and therefore cannot be relied upon in any rejection. Applicants understand that the Examiner is relying upon the filing date of the international application from which Yamaguchi claims domestic priority as the effective date of Yamaguchi. Yamaguchi was published August 4, 2005 and therefore, based upon that publication date, cannot be prior art to the present patent application since the U.S. filing date of the present patent application is March 30, 2004. However, in this instance, the Examiner cannot rely upon the international filing date of Yamaguchi to qualify Yamaguchi as prior art. The only statutory section under which Yamaguchi could be prior art would be 35 USC 102(e)(1). That sub-section provides that an application for a patent that is published and filed by another in the United States before the invention by the applicant for patent is prior art. However, that sub-section is further limited in stating that an international application, such as the Yamaguchi parent application, filed pursuant to the PCT is only effective pursuant to 35 USC 102(e)(1) only if the international application was published in the English

language. It is apparent that the publication of Yamaguchi, which occurred in September of 2004, was not in the English language. Therefore, Yamaguchi is a candidate as prior art against the U.S. patent applications of others only as a U.S. patent application publication, i.e., beginning August 4, 2005. On that ground alone, the rejection must be withdrawn.

Claim 19 and its dependent claim 20 are directed to what is described in the patent application as the second embodiment, beginning at page 23 of the patent application. The process described there is an unusual one in which a first source gas is supplied to a reaction chamber where some interaction, such as adsorption, occurs with respect to a substrate in the reaction chamber. The supply of the first source gas is stopped and, according to the described embodiment, the reaction chamber is purged with an inert gas. Thereafter, a second source gas that reacts with the first source gas is admitted to the reaction chamber. Subsequently, the supply of the second source gas is stopped, the chamber is again purged with an inert gas, and then energy is supplied, for example, in the form of heat or light, so that the parts of the first and second source gases that were adsorbed or otherwise interacted with the substrate react with each other to form a film. The resulting film is relatively thin and the process may be repeatedly carried out to increase the thickness of the film.

Claim 19 has been amended for clarity with respect to the described second embodiment. As described in amended claim 19, the two source gases are supplied sequentially, not at the same time, and the heating process occurs after the termination of supply of the second source gas.

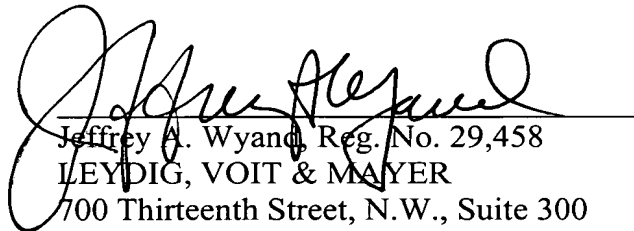
Even if Yamaguchi were prior art, neither that publication nor Yamazaki could supply all the elements of claim 19 and therefore potentially establish *prima facie* obviousness. Clearly, the Examiner has relied upon Yamaguchi as describing a process in which at least two source gases are simultaneously supplied to a reaction chamber and react to form a film on a substrate in the reaction chamber by chemical vapor deposition (CVD). That process is not within the scope of claim 19. The description in Yamazaki that is relied upon in the rejection solely relates to heating a film, after the deposition of the film on the substrate, using light. Yamazaki, like Yamaguchi, simply fails to describe

the novel process defined by claim 19 and clarified in amended claim 19. Accordingly, upon reconsideration, the rejection of claims 19 and 20 should be withdrawn.

Since none of claims 6-8 and 10-16 are substantially amended, any new rejection, applying different publications or relying of a different legal ground, cannot properly be a final rejection.

All examined claims still in the patent application are patentable for the reasons set forth above so that prompt issuance of a Notice of Allowance is earnestly solicited.

Respectfully submitted,



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